

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 NOV 26 AM 11:08
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Isaac RAMOS,

Defendant

Magistrate Doc No. 07-2733

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **November 21, 2007** within the Southern District of California, defendant, **Isaac RAMOS**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Dwain R. Holmes Jr.
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th DAY OF NOVEMBER, 2007



Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Isaac RAMOS

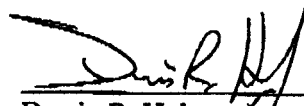
PROBABLE CAUSE STATEMENT

On November 21, 2007, Border Patrol Agents R. Schiller and L. Nye were patrolling near Jamul, California. This area is approximately eight miles east of the Otay Mesa, California Port of Entry and approximately five miles north of the United States/Mexico international boundary.

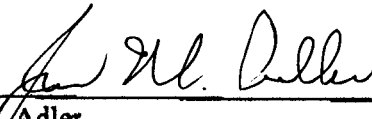
At approximately 6:30 PM infrared scope operator, Border Patrol Agent E. Cortez, notified Agents Schiller and Nye of a group of six individuals near the "Pole line Draw" south of Otay Lakes Road. Upon arriving in the area, Agents Schiller and Nye exited their vehicles and walked south on a trail commonly used by illegal aliens attempting to further their illegal entry north into the United States. Agent Cortez directed Agents Schiller and Nye to the group's location in the brush. Agents Schiller and Nye observed six individuals hiding in the brush. Agent Nye identified himself as a United States Border Patrol Agent in the English and Spanish languages. Agent Nye performed field immigration interviews on all six individuals, including one later identified as the defendant Isaac RAMOS. Agent Nye asked the defendant and the other five individuals what country they are citizens of and where they were born. The defendant and the other five individuals stated "Mexico". Agent Nye asked the defendant and the other five individuals if they had any legal immigration documents allowing them to enter into or remain in the United States legally. The defendant and the other five individuals stated "no". At approximately 6:40 P.M., the defendant and the other five individuals were arrested and transported to the Brown Field Border Patrol Station in San Diego, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on January 5, 2007, through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on November 22, 2007 at 10:50 A.M.


Dwain R. Holmes Jr.
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on November 21, 2007, in violation of Title 8, United States Code, Section 1326.


Jan M. Adler
United States Magistrate Judge

11/22/07 @ 11:04 a.m.
Date/Time